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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/739,142	12/19/2003	Takaki Tsutsui	02410249AA	1437

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WHITHAM, CURTIS & CHRISTOFFERSON, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON, VA 20190

EXAMINER

MAYO III, WILLIAM H

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/739,142

Applicant(s)

TSUTSUI ET AL.

Examiner

William H. Mayo III

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings were received on August 27, 2004. These drawings are approved.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Aldissi (Pat Num 5,170,010). Aldissi discloses an EMI suppressing cable (Fig 1-4b). With respect to claim 1, Aldissi discloses a cable (11) comprising a core wire bundle (12-15) including a plurality of core wires (12) wherein the core wires (12) are respectively covered with insulative covering layer (13) and a ferrite compound mixed resin layer (14) respectively covering the insulating covering layer (13), a shielding layer (16) covering the core wire bundle (12-15), and a sheath layer (17) covering the shielding layer (16). With respect to claim 2, Aldissi discloses that the insulative covering layer (13) and the ferrite compound mixed covering layer (14) are formed by an extrusion process (Col 3, lines 29-36). With respect to claim 3, Aldissi discloses that the shielding layer (16) is made of metal braided wire layer (Col 4, lines 1-5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldissi (Pat Num 5,170,010) in view of Aldissi (Pat Num 5,206,459, herein referred to as Aldissi2). Aldissi discloses an EMI suppressing cable (Fig 1-4b) as disclosed above with reference to claim 1. Specifically, with respect to claim 3, Aldissi discloses that the shielding layer (16) is made of metal braided wire layer (Col 4, lines 1-5).

However, Aldissi doesn't necessarily disclose the shielding layer including a ferrite compound mixed covering layer (claim 4).

Aldissi teaches a shielding material (Fig 1) used in the manufacture of wires and cables (Col 1, lines 5-11), which provides protection against both attenuation of signals

conducted down the wire and radiated EMI (Col 1, lines 60-64) thereby providing savings in cost and weight and improved flexibility over the prior art braided shields (Col 2, lines 25-31). Specifically, with respect to claim 4, Aldissi teaches a cable (10) comprising a plurality of conductors (12) forming a core wire bundle (11), wherein the core wire bundle (11) is surrounded by a shielding material (14) that includes a ferrite compound mixed covering layer (Col 3, lines 55-56).

With respect to claim 4, it would have been obvious to one having ordinary skill in the art of cables at the time the invention was made to modify the shielding layer of Aldissi to comprise the shielding configuration as taught by Aldissi2 because Aldissi2 teaches that such a shielding configuration is commonly used in the manufacture of wires and cables (Col 1, lines 5-11) and provides protection against both attenuation of signals conducted down the wire and radiated EMI (Col 1, lines 60-64) thereby providing savings in cost and weight and improved flexibility over the prior art braided shields (Col 2, lines 25-31).

Response to Arguments

7. Applicant's arguments filed August 27, 2004 have been fully considered but they are not persuasive. Specifically, the applicant argues the following:

- A) Aldissi doesn't teach the insulation and ferrite compound being placed on the individual conductors and therefore cannot anticipate the claimed invention.

With respect to argument A, the examiner respectfully traverses. Firstly, it is noted that the features upon which applicant relies (i.e., insulation and ferrite compound being placed on the individual conductors) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The applicant further states that the language "said core wire bundle including a plurality of core wires, said core wires being respectively covered with an insulation covering layer and a ferrite compound mixed resin layer" supports that the individual conductors should each contain a insulation covering layer and ferrite compound mixed resin layer, however the examiner respectfully traverses. The applicant is reminded that the examiner is required to give the claims the broadest reasonable interpretation. Specifically, MPEP 2111 states:

During patent examination, the pending claims must be "given *their< broadest reasonable interpretation consistent with the specification." > *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).< Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

Therefore, as long as all of the core wires are covered (i.e. surrounded) with an insulation covering layer and ferrite compound mixed resin layer, the claimed limitations are met. If the applicant is intending to claim that "each individual core wire is surrounded by an insulation layer and a ferrite compound mixed resin layer", then

he/she should recite such in the claimed language. In light of the above comments, the examiner respectfully submits that the rejection of the claims under 35 USC 102(b) and 103(a) is proper and just.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It is Prysner (Pat Num 6,225,565) and Cornelius et al (Pat Num 4,486,721), all of which discloses cables having individual conductors, wherein each conductor has an insulation and ferrite layers.

Communication

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (571)-272-1978. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William H. Mayo III
Primary Examiner
Art Unit 2831

WHM III
October 6, 2004